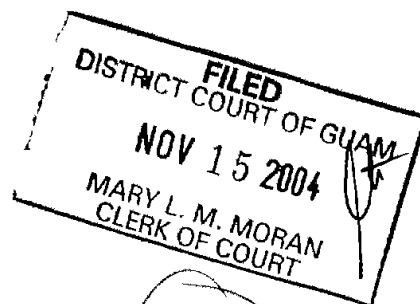


DAVID W. HOPKINS, ESQ.
LAW OFFICES OF CESAR C. CABOT, P.C.
BankPacific Building, Second Floor
825 South Marine Drive
Tamuning, Guam 96913
Telephone No.: (671) 646-2001
Facsimile No.: (671) 646-0777

Attorneys for Defendants Guam Election Commission
and Gerald A. Taitano



IN THE DISTRICT COURT OF GUAM

JAY MERRILL, etc., et. al.,)
)
Plaintiff,)
)
v.)
)
THE GUAM ELECTION COMMISSION;)
GERALD A. TAITANO, in his individual)
capacity and in his capacity as the)
Executive Director of THE GUAM)
ELECTION COMMISSION, I MINA')
BENTE SIETE NA LIHESLATURAN)
GUAHAN (The 27th Guam Legislature);)
FELIX P. CAMACHO, in his official)
capacity as the GOVERNOR OF GUAM,)
)
Defendants.)
_____)

CIVIL CASE NO. 04-00046

**DECLARATION OF
DAVID W. HOPKINS IN
SUPPORT OF EX PARTE
APPLICATION ON MOTION
FOR PROTECTIVE ORDER**

I, DAVID W. HOPKINS, do hereby declare as follows:

1. I am over the age of eighteen (18) years and competent to make this Declaration.

I have personal knowledge of the matters stated herein and would be competent to testify thereto

ORIGINAL

at any proceedings.

2. I am admitted to practice before this Court and an attorney of the Law Offices of Cesar C. Cabot, P.C., Counsel of Record herein for the Guam Election Commission (“GEC”) and Gerald A. Taitano (“Mr. Taitano”). I hereby certify that I had a telephone conversation with counsel for Plaintiff, Thomas L. Robert, Esq., on November 8, 2004, in an effort to resolve the dispute without court action and was unable to do so. We did reach agreement to continue the deposition of Mr. Taitano from November 16, 2004, to November 18, 2004, in order to allow the GEC and Mr. Taitano to make an application for a protective order.

3. I have made a good faith effort to advise counsel for all other parties of the substance of the GEC’s and Mr. Taitano’s Ex Parte Application on Motion for Protective Order (“Ex Parte Application”). A copy of my letter advising counsel for all other parties of the substance of the Ex Parte Application is attached hereto as Exhibit “A” and incorporated herein by this reference. Copies of all documents relating to the Ex Parte Application and underlying Motion have been or will be served upon counsel for all other parties after filing with this Court. The date and time the Court will consider the Ex Parte Application is not yet known. However, as soon as such information is made available to my office we will advise counsel for all other parties.

4. It is expected that counsel for Plaintiff will oppose the Ex Parte Application and will desire to be present if and when the Ex Parte Application is either presented to or heard by the Court. It is expected that the Law Offices of Calvo & Clark will not oppose the Ex Parte Application and will desire to be present if and when the Ex Parte Application is either presented to or heard by the Court. It is expected that Shannon J. Taitano, Esq., will not oppose the Ex

Parte Application and will desire to be present if and when the Ex Parte Application is either presented to or heard by the Court. It is expected that Therese M. Terlaje, Esq., will not oppose the Ex Parte Application and will desire to be present if and when the Ex Parte Application is either presented to or heard by the Court. It is expected that the Office of the Attorney General will not oppose the Ex Parte Application and will desire to be present if and when the Ex Parte Application is either presented to or heard by the Court.

5. It is important and urgent that the Ex Parte Application and underlying Motion be heard as soon as possible because Plaintiff has noticed the deposition of Mr. Taitano on November 18, 2004, as more particularly described in the accompanying memorandum of points and authorities.

6. This Declaration is made in compliance with FRCP 26(c) and Local Rule 7.1(j)(1).

I declare under penalty of perjury under the laws of the United States and Guam that the foregoing is true and correct.

Dated this 15th day of November, 2004.



DAVID W. HOPKINS

DWH:lq
P043505

ATTORNEYS:

Cesar C. Cabot

David W. Hopkins

Of Counsel
Raymond C. Wagner

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November 12, 2004

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DOOLEY ROBERTS & FOWLER LLP

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Therese M. Terlaje, Esq.

VIA FACSIMILE NO.: (671) 477-4826

Shannon Joy Taitano, Esq.

VIA FACSIMILE NO.: (671) 646-9403

Michael A. Pangelinan, Esq.

CALVO & CLARK, LLP

VIA FACSIMILE NO.: (671) 472-2493

Rob Weinberg, Asst. Attorney General

OFFICE OF THE ATTORNEY GENERAL

Re: Merrill, etc., et al. v. GEC, et al., CV04-00046

Dear Counsel:

The Guam Election Commission ("GEC") and Gerald A. Taitano ("Mr. Taitano") will be filing an Ex Parte Application on Motion for Protective Order no later than 11:30 a.m., on Monday, November 15, 2004. Pursuant to Local Rule 7.1(j), please be advised that we will be submitting an ex parte application and declaration in support of the proposed order granting the protective order requested in the motion. The requested protective order would stay the deposition of Mr. Taitano pending determination of proper legal representation for the GEC and Mr. Taitano. We do not know when the ex parte application will be heard by the Court, but we will advise your office as soon as we know. Unless we have already discussed otherwise or we hear from you, we will assume that you oppose the application and wish to be present when the matter is presented to the Court.

Please feel free to contact me if you have any questions regarding the above matter.

Sincerely,



DAVID W. HOPKINS

DWH:lq
L043511

EXHIBIT

A

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Rob Weinberg, Asst. Attorney General
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FROM: David W. Hopkins, Esq.

DATE: November 12, 2004

CLIENT/

MATTER: Merrill, etc., et al. v. GEC, et al., CV04-00046

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FROM: David W. Hopkins, Esq.

DATE: November 12, 2004

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FROM: David W. Hopkins, Esq.

DATE: November 12, 2004

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MATTER: Merrill, etc., et al. v. GEC, et al. CV04-00046

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